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Bd of appeal

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants: OHMI et al.

Confirmation: 6923

Appeal No.: 2007-1869

Group Art Unit: 3753

Serial No.: 09/023,416

Examiner: J. Fox

Filed: February 13, 1998

For. FLUID CONTROL APPARATUS

REQUEST FOR REHEARING UNDER 37 C.F.R. §41.52

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

October 15, 2007

Sir:

In response to the Decision on Appeal decided August 15, 2007, Appellants hereby submit this request for rehearing in connection with the above-identified matter.

In the Decision, the Board dismissed the appeal because it was not convinced of reversible error in the Examiner's rejection. According to the Board, to anticipate finally rejected claim 1, the cited reference, JP 7-286720, need not disclose every type of valve recited, merely a valve selected from the recited group. According to the Board, the recited group includes a two-port valve, which the Board alleges is disclosed in JP '720.

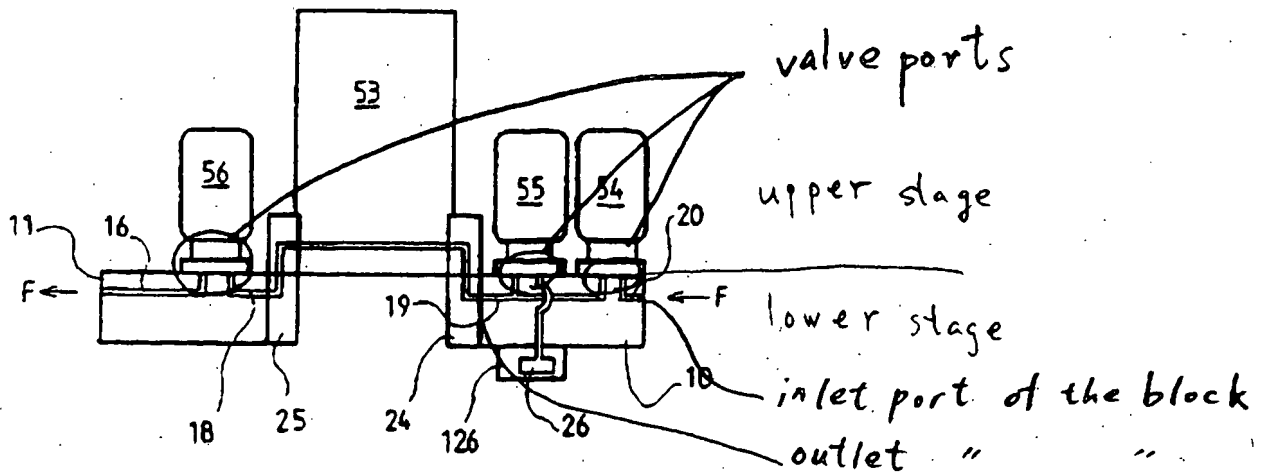
In so deciding, the Board has misapprehended or overlooked certain facts with regard to the invention set forth in finally rejected claim 1. Specifically, the concept espoused in JP '720 of "obtaining a fluid control apparatus by combining only five kinds of

on-off devices” is a completely different technical idea from Appellants’ inventive steps and the “2-type on-off device” recited in finally rejected claim 1.

The Board also did not agree that the rejection should be withdrawn on the grounds that the inputs and outputs are on the sides of the input and output blocks in JP ‘720 since, the Board contends, there is no requirement in finally rejected claim 1 regarding the positions of the inlets and outlets of the valve mounts. Citing FIG. 3, the Board also notes that JP ‘720 discloses “blocks [that are] open at their upper surfaces to the valves.”

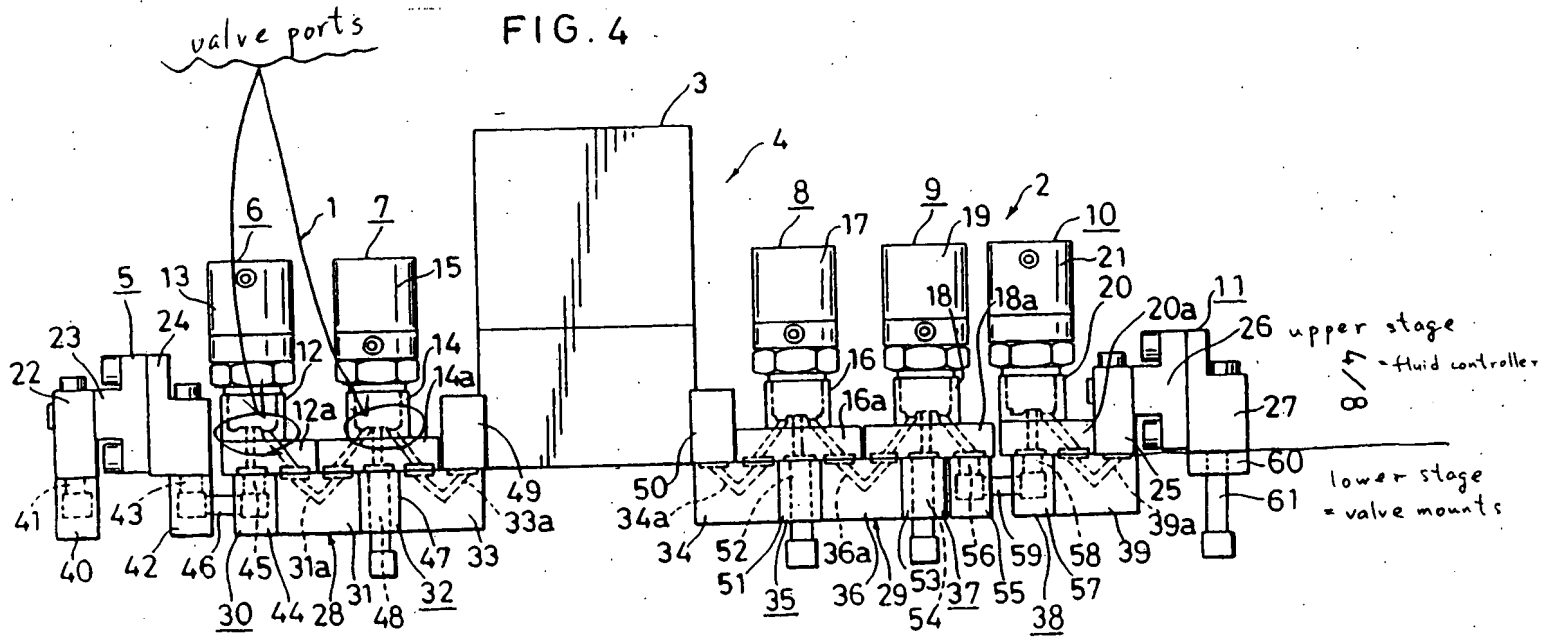
In so deciding, the Board has misapprehended or overlooked certain facts with regard to the invention set forth in finally rejected claim 1. Specifically, the “blocks [that are] open at their upper surfaces to the valves” are not “inlets” and “outlets” of the “joint member.”

JP ‘720 communication paths in blocks correspond to Appellants’ channels in valve mounts. Compare, e.g., Appellants’ FIG. 4 and FIG. 1 of JP ‘720. As can be seen from the following marked-up copy of FIG. 1 of JP ‘720, input block 10 and output block 11 have channels for holding the adjacent inlet and outlet ports (opening in the front and rear surfaces) of apparatus inlet or outlet F and attachment blocks 24, 25 (lower stage).



Attachment blocks 24, 25 have channels for holding the adjacent inlet and outlet ports (one port opens in the upper surface, and the other opens in the front or rear surface) of the upper block and input block 10 or output block 11 (lower stage). The first inflow channel member 30 and the second outflow channel member 39 have channels for holding the adjacent inlet and outlet ports (opening in the upper surface) of adjacent valves 5, 6, 10, 11 (upper stage).

As can be seen from the following marked-up copy of FIG. 4 from the application as originally filed, the first output channel member 33 and the second inflow channel member 34 have channels for holding the adjacent inlet port and outlet port (opening in the upper surface) of adjacent valves 7, 8 or fluid controller 3 (upper stage).

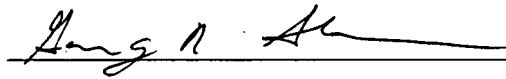


In view of the foregoing, reconsideration of the Decision on Appeal and reversal of the final rejection of claim 1 are respectfully requested.

To the extent necessary during prosecution, Applicants hereby request any required extension of time not otherwise requested and hereby authorize the commissioner to charge any required fee not otherwise provided, including application processing, extension, and extra claims fees, to Deposit Account 01-2340.

Respectfully submitted,
KRATZ, QUINTOS & HANSON, LLP

BY:



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It is believed no fee is necessary in connection with filing this Request for Rehearing.

If required, however, the Commissioner is hereby authorized to charge any fee required to effect filing of this Request to counsel's Deposit Account No. 01-2340.

To the extent necessary during prosecution, Appellants hereby request any required extension of time not otherwise requested and hereby authorize the Commissioner to charge any required fee not otherwise provided, including application processing, extension, and extra claims fees, to Deposit Account 01-2340.

Respectfully submitted,

KRATZ, QUINTOS & HANSON, LLP

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